Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

TOP SECRET
Classification

Department of State

TELEGRAM

ACTION: Amembassy BANGKOK PRIORITY
Amembassy CANBERRA
Amembassy DJAKARTA
Amembassy SAIGON
Amembassy PHNOM PENH
Amembassy VIENTIANE

EXDIS

SUBJECT: Amendment to Military Procurement Authorization Ac

REF: (A) Bangkok 10558 and 19597 (NOTAL)
(B) State 138023 (NOTAL)

1. The Senate has passed by voice vote and sent to conference the following two amendments to the Military Procurement Authorization Act for 1971.

(1) "On page 19, after the period in line 8 insert the following: 'None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	APPROVED BY:
EA/MEGreenwold/cmb	8/25/70	28900	J - Amb. Johnson

CLEARANCES: EA - Mr. Green
H - Mr. Schnee
CIA - [redacted]
DOD/OC - Mr. Forman
PM - Mr. Pickering
L - Mr. Salans
L/EA - Mr. Stein

25X1

TOP SECRET
Classification

State Dept. review completed

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

☆ U.S. GOVERNMENT PRINTING OFFICE: 1969-360-676

TOP SECRET
Classification

Department of State

TELEGRAM

RISUTION

ACTION: P A G E 2

forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area.'"

(2) "On page 19, after the period in line 8, insert the following: 'Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.'"

(Clause (A) refers to the following lines of the Bill, stating that funds are to be made

"...available for their stated purposes to support

DRAFTING DATE	TEL. EXT.	APPROVED BY:

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

☆ U.S. GOVERNMENT PRINTING OFFICE: 1964-800 876

TOP SECRET
Classification

Department of State

TELEGRAM

TE:
LCCT
NOL TO

RIBUTION

ACTION: A G E 3

(A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand."

2. /The Amendment (1) applies broadly to limit the amount that may be provided by the United States out of DOD budget in excess of the regular base pay such troops would receive from their own governments. It is clear from the legislative history that the Senate contemplated that combat pay, hostile fire pay and similar designations would fall within the rubric, "overseas" allowances. (For example, in the debate, at S. 13817, Senator Stennis characterized the payments affected as "the additional pay they get for fighting away from home and hostile pay." Senator Fulbright described the payments as "...hostile, combat, or overseas pay. They all mean the same thing." At present, some foreign troops draw a higher overseas allowance, in absolute dollars, than their American counterparts.

CO BY: | DRAFTING DATE | TEL. EXT | APPROVED BY:

ANCES:

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

☆ U.S. GOVERNMENT PRINTING OFFICE: 1969-300-876

TOP SECRET
Classification

Department of State
TELEGRAM

ACTION: PAGE 4

The amount of such additional payments would be limited to the "amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States serving in Viet-Nam or in any other hostile fire area.")

3. Unlike the proposed Cooper-Church Amendment, the limitations in this amendment would apply only to funds in the DOD appropriation and would not apply to funds available from other sources, including such CIA funding as would otherwise legally be permitted, even when CIA funds are derived from this or other portions of the DOD budget.

4. The amendment as now written would apply to existing agreements as well as to agreements made in the future. As with the Cooper-Church amendment, however, this amendment is not yet law. It must still go to conference, and the legislative history shows that Senator Stennis (who will

DRAFTING DATE	TEL. EXT.	APPROVED BY:

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

☆ U.S. GOVERNMENT PRINTING OFFICE: 1969-360-878

TOP SECRET
Classification

Department of State

TELEGRAM

TE:
LECT
AGE TO

TRIBUTION

ACTION: PAGE 5

lead the Senate Conferees) and other supported the amendment only with the prospect of the conference in mind, expecting not to put the U.S. in default on its existing agreements.

5. The second amendment, also passed by voice bore and sent to Committee, does not change the existing legal authority to support third-country operations in Southeast Asia. The amendment merely codifies the substance of the Armed Services Committee's report, which, in turn, does not purport to change existing law. It also accords with the DOD interpretation of this law with respect to our legal inability to use service funded military assistance to assist Cambodia.

6. The language of this amendment, like the previous amendment, affects only DOD Procurement Act funds [redacted] 25X1

[redacted] 25X1

The debate

TCO BY:	DRAFTING DATE	TEL. EXT.	APPROVED BY:

BANCES:

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

☆ U.S. GOVERNMENT PRINTING OFFICE:1969-300-976

TOP SECRET
Classification

Department of State
TELEGRAM

ATE:
ELLECT
HARGE TO

ETRIBUTION

ACTION: P A G E 6

also shows an intention to prohibit expenditure of DOD funds to support Thai actions in Laos and Cambodia even under a rationale based on the defense of Thailand short of an invasion of Thailand or imminent threat of invasion of Thailand from border areas of Cambodia.

7. [redacted] Vietnamese operations which support or assist the Cambodians well beyond the sanctuary areas would also be contrary to the intent and purpose of the amended act.

25X1

25X1

END

TCO OV.	DRAFTING DATE	TEL. EXT.	APPROVED BY

RANCES:

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1

	UNCLASSIFIED		CONFIDENTIAL		SECRET

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	John Clarke 6E08		
2			
3			
4			
5			
6			

	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE

Remarks:

The attached was sent to us by [redacted] who is attending a meeting on it at State this afternoon. Mr. Houston has advised Bill not to concur in the cable in its present form. 25X1

[redacted] 25X1

Deputy Legislative Counsel

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
OLC 7D43 [redacted]	25 Aug 70

25X1

	UNCLASSIFIED		CONFIDENTIAL		SECRET

FORM NO. 237 Use previous editions (40)

Approved For Release 2008/06/24 : CIA-RDP72-00337R000400110039-1